1867-001 Chancery Causes: John W. M. Ely vs. Isaac Selig
Lee Co

CA - Debt
T - Property

To the worshipful County Court of Lee County in Chancery sitting.

The bill of complaint of John W. McElroy of said County would respectfully represent at the quarterly term of your worshipful Court held for this County in the month of March 1839 One Selig obtained a judgment against your orator for the sum of $45.00 with legal interest thereon from the 1st day of January 1839 till paid and the costs of the copy of said judgment which he has filed and marked "A" and prayed to be considered as part of this bill.

Execution has issued upon said judgment and is now in the hands of the Sheriff of this County, and your orators property is liable to be sold under said execution.

Your orator thinks that said judgment and execution ought to be perpetually enjoined for reasons he will briefly proceed to state.

Some time during the month of June 1838 and whilst your orator was absent from home with a drove of horses said Selig came to the house of your orator and indused the wife of your orator to purchas a quanty of goods which he had then and there with him; and agreeing to take produce in payment for said goods; and falsly representing said goods to be remarkably cheap times; by misrepresentation and connivance he procured the wife of your orator to execute to him the note upon which said judgment was obtained assuring her at the same time that he would take

in discharge of said debt other produce.
On the month of January 1859 and whilst
your orator was again absent from home
another trip with horses said Selig insti-
tuted suit upon said note against your
orator and obtained a judgment as aforesaid
your orator being absent all the time
and this had no means of making defens
at Law.
Your orator charges that said note was fraudulently
procured by the misrepresentation of the
said Selig. Your orator is advised; and
therefore charges that if he had had an
opportunity to have made his defense at
Law said Selig could have
aried judgment against him: That
said contract was void abinitio as a
married woman has no right to make
a contract of this sort. Your orator
further charges that said goods were not
of such goods as Selig represented them
to be. Your Orator is advised that
under the circumstances of his case a
Court of Equity has power and will
interpose its authority to relieve him
from such manifest injustice.
being without remedy at Law and
relievable only in a court of equity his
prayer therefor is that said Isaac
Selig be made a party defendant to this
bill; that he be required to answer the
same fully and truly upon oath
that he be perpetually enjoined from
the collection of said judgment
that upon a final hearing of the
Cause your worships will decree such
other and further relief as is consistent
with equity and suited to his case.
May it please your worship to grant
the Commonwealths most gracious writ
of Spa. and injunction directed &c
Campbell & Baird
for Plff

Charged to Nov. 1865.

John W. McEly
vs
Bill in June.

Isaac Selig

1859 June Term
Injunction Granted on
the usual terms. - bond
Given in penalty of $100.
22nd June 1859

1859 July Rules order Publication
" Aug " Decree nisi
" Septr. Continued
" Oct Continued.
" Nov Continued
" Dec Answer & Def filed
1860 Jan Continued
" Feb. Continued
" March Continued.
" April Continued,
" May Continued
" June Continued
" July Continued
" Aug Septr Continued,
" October Continued.
" Nov? Continued
" Dec? Continued
1861 Jan - Continued
" Feb - Mar - April & May Cont,
June July aug Sept. Oct
Nov. Dec. Continued
1862 Jan Feb. March April
May. June July aug Septr
Oct Nov & Dec. Continued

1863 Continued this year
1864 - Continued this year
1865 - Continued this year
1866 - Jan. Feb. March April May June July Augst
Septr Octr Nov. and December Continued
1867 - Jan. Feb. March April May June July aug Cont.
Septr Rules Dismissed.

Jno. W. McEly
vs
Bill in June.

Isaac Selig

Virginia

At rules held in the clerks office of the County Court of Lee county, on Monday the 11th day of July 1859

John W. M. Ely Complainant } In Chancery
vs.
Isaac Selig Defendant }

The object of this suit is to restrain the defendant from collecting off of the complainant the judgment in the bill mentioned until the further order of the Court, And it appearing from satisfactory evidence that the said defendant is not an inhabitant of this commonwealth, On the Motion of the complainant by his counsel, It is ordered that the said defendant do appear here within one month after due publication of this order and do what is necessary to protect his interest, and that a copy of this order be forthwith inserted in some newspaper published in this commonwealth for four successive weeks and posted at the door of the court House of Lee County.

A. J. Morgan, C. C.

Virginia Lee County Court

Henry J. Morgan personally appeared before the undersigned Commissioner in Chy, in the circuit court of Lee county and made oath that on the 13th day of July 1859. He posted at the front door of the court House of Lee county a copy of the above order, given under my hand this 13th day of July 1859

R. M. Hamblen Comr. in Chy

J W M Ely

vs Order Publication

Isaac Sibley

Ch'd 205

Know all Men by these Presents, That we John W. M. Ely

are held and firmly bound unto Isaac Selig
in the just and full sum of one hundred dollars
to be paid unto the said Selig his

certain attorney, his executors, administrators or assigns; for the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 22nd day of June 1859.

THE CONDITION of the above obligation is such, that whereas, the above bound John W. M. Ely Justices
hath obtained from the ~~Judge~~ of the ~~Circuit~~ County ~~Superior~~ Court of Law and Chancery for Lee County, an injunction to stay, until the further order of the said Court, all further proceedings on a judgement of the County
Court of ~~Law and Chancery for~~ Lee County, recovered against him
by the above named Isaac Selig
on the day of March 1859 for $45.00 with legal interest thereon, from
the 1st day of January 1859 till paid, and the costs.

*NOW IF THE SAID* John W M Ely
shall well and truly pay and ratify the judgment aforesaid, and also, all such costs and damages as shall be awarded against him in case the injunction aforesaid shall be dissolved, then this obligation to be void, otherwise to remain in full force and virtue.

J. W. M. Ely {SEAL.}
Ezekiel Gallihan {SEAL.}

John W. M. Ely

vs Injunction Bond

Isaac Selig

Ch 205

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON Isaac Silig

to appear before the Justices of our County Court for Lee county, at the Court House, on the 1st Monday in July next to answer a bill in Chancery exhibited in our said Court against him by John W. M. Ely

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this 29th day of June 1859, in the 83d year of the Commonwealth.

H. J. Morgan CC

The object of this suit is to restrain the Defendant from collecting off of the Plaintiff the Judgment in the bill mentioned, until the further order of this Court.

Teste,

H. J. Morgan C.C.

C.P.M. Ely

}

}

}

vs. } Sp. in Chancery

}

Isaac Kelly

---

July Rules 1859

Pet. Executed

Isaac Kelly not

found

D. Stull D.S.

Ch. 295

VIRGINIA, *Washington County, to wit:*

I do hereby certify that the annexed notice has been published, four weeks successively, in the ABINGDON VIRGINIAN, a newspaper printed in the town of Abingdon and State aforesaid.

Given under my hand Oct 5th 1859

Geo. R. Barr,
Jr. Ed. "Virginian"

Printer's fee, $

*VIRGINIA:*

AT Rules held in the Clerk's office of the County Court of Lee county, on Monday, the 4th day of July, 1859:

John W. M. Ely, Complainant,
vs.
Isaac Selig, Defendant.

IN CHANCERY.

The object of this suit is to restrain the defendant from collecting off of the complainant the judgment in the bill mentioned, until the further order of the court. And it appearing from satisfactory evidence that the said defendant is not an inhabitant of this Commonwealth, on the motion of the complainant by his counsel, it is ordered that the said defendant do appear here within one month after due publication of this order and do what is necessary to protect his interest; and that a copy of this order be forthwith inserted in some newspaper published in this commonwealth, for four successive weeks, and posted at the door of the Court House of Lee county. A copy.—Teste,

H. J. MORGAN, c. c.

July 22, 1859—4w

Sh 205